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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/284,327	04/10/1999	Benjamin S. Bower	GC516-2-US	2162

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GENENCOR INTERNATIONAL, INC.
ATTENTION: LEGAL DEPARTMENT
925 PAGE MILL ROAD
PALO ALTO, CA 94304

EXAMINER

PATTERSON, CHARLES L JR

ART UNIT PAPER NUMBER

1652

DATE MAILED: 04/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/284,327

Applicant(s)

BOWER ET AL.

Examiner

Charles L. Patterson, Jr.

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1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-29 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-13 and 24-29, drawn to and enzyme comprising Asn-Asn-(Leu/Phe/Lys/Ile)-Trp-Gly, 4 uses of the enzyme and a detergent comprising the enzyme, classified in class 435, subclass 209, 263, class 241, subclass 28 and class 426, subclass 656.
- II. Claims 1-13 and 24-29, drawn to and enzyme comprising Glu-(Leu/Phe/Ile)-Met-Ile-Trp, 4 uses of the enzyme and a detergent comprising the enzyme, classified in class 435, subclass 209, 263, class 241, subclass 28 and class 426, subclass 656.
- III. Claims 1-13 and 24-29, drawn to and enzyme comprising Gly-Thr-Glu-Pro-Phe-Thr, 4 uses of the enzyme and a detergent comprising the enzyme, classified in class 435, subclass 209, 263, class 241, subclass 28 and class 426, subclass 656.
- IV. Claims 1-13 and 24-29, drawn to and enzyme comprising (Ser/Tyr/Cys/Trp/Thr/Asn/Lys/Arg)-(Val/Pro)-(Lys/Ala)-(Ser/Ala)-(Tyr/Phe), 4 uses of the enzyme and a detergent comprising the enzyme, classified in class 435, subclass 209, 263, class 241, subclass 28 and class 426, subclass 656.
- V. Claims 1-13 and 24-29, drawn to and enzyme comprising Lys-Asn-Phe-Phe-Asn-Tyr, 4 uses of the enzyme and a detergent comprising the enzyme, classified in class 435, subclass 209, 263, class 241, subclass 28 and class 426, subclass 656.
- VI. Claims 14-23, drawn to a DNA encoding Asn-Asn-(Leu/Phe/Lys/Ile)-Trp-Gly, a vector containing the DNA, a host cell containing the vector, a method of making the enzyme using the host cell and a

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method for obtaining a gene, classified in class 435, subclass 209, 252.3, 320.1 and class 536, subclass 23.2.

VII. Claims 14-23, drawn to a DNA encoding Glu-(Leu/Phe/Ile)-Met-Ile-Trp, a vector containing the DNA, a host cell containing the vector, a method of making the enzyme using the host cell and a method for obtaining a gene, classified in class 435, subclass 209, 252.3, 320.1 and class 536, subclass 23.2.

VIII. Claims 14-23, drawn to a DNA encoding Gly-Thr-Glu-Pro-Phe-Thr, a vector containing the DNA, a host cell containing the vector, a method of making the enzyme using the host cell and a method for obtaining a gene, classified in class 435, subclass 209, 252.3, 320.1 and class 536, subclass 23.2.

IX. Claims 14-23, drawn to a DNA encoding (Ser/Tyr/Cys/Trp/Thr/Asn/Lys/Arg)-(Val/Pro)-(Lys/Ala)-(Ser/Ala)-(Tyr/Phe), a vector containing the DNA, a host cell containing the vector, a method of making the enzyme using the host cell and a method for obtaining a gene, classified in class 435, subclass 209, 252.3, 320.1 and class 536, subclass 23.2.

X. Claims 14-23, drawn to a DNA encoding Lys-Asn-Phe-Phe-Asn-Tyr, a vector containing the DNA, a host cell containing the vector, a method of making the enzyme using the host cell and a method for obtaining a gene, classified in class 435, subclass 209, 252.3, 320.1 and class 536, subclass 23.2.

The inventions are distinct, each from the other because:

The products of Groups (I-V) and (VI-X) are completely different chemical compounds that are patentably distinct. The protein sequences of

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groups I-V and the DNA encoding those protein sequences of Groups VI-X are structurally distinct and therefore are patentably distinct.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and recognized divergent subject matter, restriction for examination purposes as indicated is proper.


Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

It is noted that the amino acid sequences of Groups I-V are not identified as to SEQ ID NO as required by 37 CFR § 1.821-1.825. This must be done before the application can be examined.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles L. Patterson, Jr., PhD, whose telephone number is 703-308-1834. The examiner can normally be reached on Monday - Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy can be reached on 703-308-3804. The fax phone number is 703-308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.


Charles L. Patterson, Jr.
Primary Examiner
Art Unit 1652

Patterson
April 22, 2003